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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA,	Magistrate Docket No. '08 MJ 0577
Plaintiff,	
v.	COMPLAINT FOR VIOLATION OF:
Mauricio GONZALEZ-Montes,	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	

The undersigned complainant, being duly sworn, states:

On or about **February 25, 2008** within the Southern District of California, defendant, **Mauricio GONZALEZ-Montes,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27th** DAY OF **FEBRUARY 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Mauricio GONZALEZ-Montes

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PROBABLE CAUSE STATEMENT

On February 25, 2008, Senior Patrol Agent A. Noyes and Border Patrol Agent M. McKinley were performing uniformed Border Patrol operations in the Chula Vista area of responsibility. At approximately 9:15 p.m., the infrared scope operator, Border Patrol Agent G. Tiscareno notified Agents via bureau radio that he had observed nine individuals walking westbound towards "Frenchman's Meadow." "Frenchman's Meadow" is located approximately two miles east of the Otay Mesa, California Port of Entry and approximately one mile north of the United States/Mexico International boundary. Due to the remoteness and darkness of this area, this is a common route of travel for illegal aliens attempting to further their illegal entry into the United States.

Agent Tiscareno directed Agents Noyes and McKinley to the location of the individuals and observed nine individuals dressed in dark clothing, walking westbound in "Frenchman's Meadow." Agent's Noyes and McKinley approached the individuals and as they were 20 yards away from the group, the individuals began to run away from them. After a foot pursuit, Agent's Noyes and McKinley were able to locate eight of the individuals. One individual, later identified as the defendant **Mauricio GONZALEZ-Montes**, continued to run away from the Agents. Agent Tiscareno began to pursue the defendant and after an extended foot pursuit, Agent Tiscareno was able to locate and apprehend the defendant. After the defendant and the other individuals were all together, Agent Tiscareno individually questioned each of them as to their citizenship. Each individual, including the defendant, responded that they were citizens of "Mexico." Agent Tiscareno then asked each individual if they had in their possession any legal immigration documents that would allow them to remain in the United States legally. All the individuals, including the defendant, stated they did not possess any legal immigration documents. At approximately 9:30 p.m., all the individuals, including the defendant, were placed under arrest and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 12, 2006** through **El Paso, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.